

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, *et al.*

Case No. 2:20-cv-2600

Plaintiffs,

v.

VARSITY BRANDS, LLC, *et al.*,

Defendants.

**MOTION TO STRIKE CLASS ALLEGATIONS AND SPURIOUS ALLEGATIONS
REGARDING SEXUAL ABUSE**

Defendants Varsity Brands, LLC, Varsity Spirit, LLC, Varsity Spirit Fashions & Supplies, LLC, and U.S. All Star Federation, Inc. (“Defendants”), through their undersigned counsel, and pursuant to Federal Rules of Civil Procedure 12(f) and 23, hereby move this Court to strike Plaintiffs’ class allegations and allegations relating to sexual abuse in the cheerleading industry from the Consolidated Complaint (ECF No. 56).

Pursuant to Local Rule 7.2(d), movants request oral argument because they believe it will assist the Court in understanding the motion and the attendant issues and to answer any questions the Court may have.

WHEREFORE, for the reasons set forth in Defendants’ Memorandum of Law in Support, filed contemporaneously herewith, Defendants respectfully request that the Court strike Plaintiffs’ class allegations and allegations relating to sexual abuse (specifically, paragraphs 40-50 and 237-241, respectively, and that portion of Plaintiffs’ claim for relief that relates to the putative class).

Dated: December 1, 2020

Respectfully submitted,

By: s/ Matthew S. Mulqueen

George S. Cary*
Mark W. Nelson*
Alexis Collins*
Steven J. Kaiser*
CLEARY GOTTLIEB STEEN & HAMILTON LLP
2112 Pennsylvania Avenue, NW
Washington, DC 20037
Phone: (202) 974-1500
Fax: (202) 974-1999
gmary@cgsh.com
mnelson@cgsh.com
alcollins@cgsh.com
skaiser@cgsh.com

* Admitted *pro hac vice*

Matthew S. Mulqueen (TN #28418)
Adam S. Baldridge (TN #23488)
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
mmulqueen@bakerdonelson.com
abaldridge@bakerdonelson.com

*Attorneys for Varsity Brands, LLC, Varsity Spirit,
LLC, and Varsity Spirit Fashions & Supplies, LLC*

By: s/ Nicole D. Berkowitz

Grady Garrison (TN #008097)
Nicole D. Berkowitz (TN #35046)
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
ggarrison@bakerdonelson.com
nberkowitz@bakerdonelson.com

Attorneys for U.S. All Star Federation, Inc.

CERTIFICATE OF CONSULTATION

Counsel for Defendants hereby certify that they consulted with Eric L. Cramer, counsel for Plaintiffs, on November 30, 2020, via electronic mail to determine whether Plaintiffs oppose the relief sought in this Motion. Plaintiffs' counsel stated that Plaintiffs oppose the relief requested in this Motion.

s/ Matthew S. Mulqueen

Matthew S. Mulqueen (TN #28418)